

### **REMARKS**

Claims 1-4 and 9-24 are in the present application, claims 5-8 having been canceled. The amendments have been made for reasons of clarity only and not to define over the art of record, as features in claims 1 and new claims 10 and 18 already define over the art of record without these clarifying amendments. Reconsideration in view of the following remarks is kindly requested.

#### **Summary of Examiner's Interview**

Applicants' representative thanks Examiners Tran and Ton for their time at an interview of November 26, 2003, the content of which is summarized below.

Prior to the interview, Applicants' representative faxed examiner Tran a proposed amendment, which was discussed at the interview. Examiner Ton suggested that claim 1 needed clarification as to where the forward channel was from (base station to mobile station), and pilot channel (reverse pilot channel form mobile station to base station).

Additionally, Examiner Ton suggested that Applicants add that the first and second forward channels were voice and data channels to further distinguish Tsunchara, although Applicants' position is that such was recited in dependent claims and unnecessary to add to claim 1. However, in an effort to expedite prosecution and receive an indication of allowable subject matter, Applicants have gratuitously amended claim 1 to add that the channels are forward voice and forward data channels.

#### **Claim Rejections -- 35 U.S.C. § 103**

Claims 1-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tsunchara et al. (U.S. Patent No. 6,307,844 B1) in view of Groe (U.S. Patent No. 6,163,708). This rejection is respectfully traversed and is inapplicable to new claims 9-24 as set forth below.

Applicants submit that Tsunchara et al. is deficient in at least the following respects regarding claim 1.

##### **A. Tsunchara's pilot channel is not described as being segmented.**

Referring to Tsunchara et al., the only mention of a pilot channel is with respect to Fig. 2, which indicates the fact that there is some pilot channel 8 of undetermined dimensions, and in the

discussion on column 6, lines 17-33, where a pilot channel is output from an acquisition/spread circuit 150. Nowhere is there disclosed transmitting power control information for first forward channel within a portion of a first segment of the pilot channel, as recited in claim 1.

**B. Block 110a is not a first segment of a reverse pilot channel**

Contrary to the Examiner's position, block 110a is not a first segment of a pilot channel. The Examiner is directed to the passage supporting Fig. 7 in Tsunchara et al., upon which he relies. As described in column 5, lines 40-47, what is actually shown in Fig. 7 is the insertion of a common transmission power control signal (constituted by transmission power control signals 111a-n on traffic channels 1 to n) into (or in between) answer packets 110a, b., etc. that are transmitted on an answer channel to the mobile terminal. Thus, block 110a is an answer packet and is transmitted on an answer channel. An answer channel is not a reverse pilot channel.

**C. Block 111b is not a second segment of the reverse pilot channel.**

Portions 111 in Fig. 7 (i.e., the transmission power control signal 111b, etc.) do not represent a portion of a second segment of a reverse pilot channel, since these are signals that are transmitted on forward traffic channels, as described by Tsunchara et al.

Accordingly, for reasons A-C alone, the claims are submitted to be allowable, as Groe is cited only for an alleged teaching of "power control information for the first forward channel being different then the power control information for the second forward channel". Groe does not make up for the deficiencies that are evident in Tsunchara et al. For at least these reasons, Applicants submit that independent claim 1, and claims 2-4 dependent thereon, define over Tsunchara et al. and Groe.

Even if Tsunchara arguably taught of a reverse pilot channel that had different first and second repeating segments to carry power control information for different channels, which Applicants submit it could not, one would not be motivated to combine Groe with Tsunchara. Groe is directed to a method and apparatus for controlling gain level of an amplifier, not for communicating power control information to at least two communication channels. The passage relied on by the Examiner in column 3 of Groe illustrates the format of a downlink (forward) traffic channel, not a reverse pilot channel. For at least this additional reason, Applicants submit that independent claim 1, and claims 2-4 dependent thereon, define over Tsunchara et al. and Groe.

Various features in the other dependent claims make the distinctions over the combination even more apparent. For example, the method of the present invention takes

priority of the different channels into account when transmitting power control information; a channel with high priority has more power control transmissions than a lower priority channel, as recited in claim 4. This is not even remotely suggested in Tsunchara et al., yet the Examiner makes an "inherency" argument in a 103 rejection to suggest that such is inherent. This is clearly improper and against the vast body of case law. Accordingly, claim 4 is allowable for these additional reasons.

Claims 5-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tsunchara et al. (U.S. Patent No. 6,307,844 B1) in view of Ghosh, (U.S. Patent No. 5,991,285). This rejection is now moot, as Applicants have canceled claims 5-8.

#### New Claims

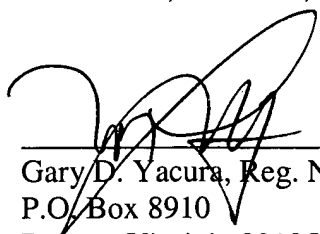
New Claims 9-24 have been added in an effort to provide further protection for Applicants' invention and are allowable at least for the reasons set forth above regarding claim 1, and/or for the further features claimed therein.

#### CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the number below. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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